IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

JAMES ALBERT LANGLEY,

v.

Plaintiff.

CIVIL ACTION NO. 3:17-3520

HUNTINGTON POLICE DEPT., et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Defendants PrimeCare Medical, Inc., Nurse Jalayna Leonburg, and Jennifer Hatfield's Motion to Dismiss Amended Complaint and Alternative Motion for Summary Judgment (ECF No. 64), deny as moot Defendants PrimeCare Medical, Inc. and Nurse Jalayna Leonburg's Motion to Dismiss Complaint and Alternative Motion for Summary Judgment (ECF No. 29), deny Plaintiff's Motion for Summary Judgment (ECF No. 76), grant Defendant West Virginia Department of Corrections' Motion to Dismiss (ECF No. 91), deny as moot Defendant David Ballard's Motion to Dismiss for Failure to Serve (ECF No. 92), deny Defendants Dr. Charles Lye, Donna Warden, Wexford Health Services Inc.'s Motion to Dismiss (ECF No. 95), and refer this matter back to Magistrate Judge. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation

of the Magistrate Judge and GRANTS Defendants PrimeCare Medical, Inc., Nurse Jalayna

Leonburg, and Jennifer Hatfield's Motion to Dismiss Amended Complaint and Alternative Motion

for Summary Judgment (ECF No. 64), **DENIES as moot** Defendants PrimeCare Medical, Inc. and

Nurse Jalayna Leonburg's Motion to Dismiss Complaint and Alternative Motion for Summary

Judgment (ECF No. 29), **DENIES** Plaintiff's Motion for Summary Judgment (ECF No. 76),

GRANTS Defendant West Virginia Department of Corrections' Motion to Dismiss (ECF No. 91),

DENIES as moot Defendant David Ballard's Motion to Dismiss for Failure to Serve (ECF No.

92), **DENIES** Defendants Dr. Charles Lye, Donna Warden, Wexford Health Services Inc.'s

Motion to Dismiss (ECF No. 95), and **REFERS** this matter back to Magistrate Judge, consistent

with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all

counsel of record, and any unrepresented parties.

ENTER:

January 31, 2018

ROBERT C. CHAMBERS

UNITED STATES DISTRICT JUDGE

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